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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,870	08/31/2001	Donald J. Remboski	IA00004	2243

22863 7590 03/16/2004

MOTOROLA, INC.  
CORPORATE LAW DEPARTMENT - #56-238  
3102 NORTH 56TH STREET  
PHOENIX, AZ 85018

EXAMINER

JAIN, RAJ K

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/943,870

Applicant(s)

REMBOSKI ET AL.

Examiner

Raj Jain

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 13-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behfar et al (WO 00/77620 A2) in view of Trebes, Jr. (US pat. 6317438).

Regarding claim(s) 1, 8 and 14, Behfar discloses a system for integrating components into a vehicle, wherein the components comprise devices (29-37) coupled to an in-car network (**fig 2**). The pluralities of devices (29-37) communicate via connection media 12 (**fig 1**). The devices can be connected or disconnected to upgrade and reconfigure the vehicle's systems (**abstract**) as necessary. The flow of data between the devices is performed by IP addressing which allows for packets to be directed to a target device without a predetermined path and therefore plurality of paths are possible for the data to traverse to a target device as desired (**page 4 L1-14**).

Behfar fails to disclose an **active network** with a plurality of active elements.

Trebes discloses an **active network** within a telecommunications environment that consists of non-participating elements and participating elements or (active elements) (**abstract; fig 1; col 5 L29-40, col 9 L 1-19**).

Active networks are a novel approach to network architecture in which the switches of the network perform customized computations on the messages flowing through them. This

Art Unit: 2664

approach is motivated by both lead user applications, which perform user-driven computation at nodes within the network today, and the emergence of mobile code technologies that make dynamic network service innovation attainable.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the concept of “active networks” within Behfar so as to allow integrating components to perform customized configurations and controlling traffic flow.

Regarding claims 2-5 and 16, Trebes discloses active network elements as being switch, router and/or bridge (**col 5 L37, col 35 L5-27**).

Regarding claims 6 and 15, Trebes discloses packet data network (**Fig 1**).

Regarding claim 7, Behfar discloses IP protocol standard used for communications within the subject system (**page 3 L40**).

Regarding claim 9, Behfar discloses wireless communications (**page 10 L36**).

Regarding claims 10 and 17, Trebes discloses fault isolation and adaptive avoidance (**col 3 L63, figs 1, 2a-2c, col 32 L56-col 33 L45**).

Regarding claims 11 and 18, Behfar discloses periodically reconfigured (**page 3 L36; claim 25**).

Regarding claims 13 and 20, Trebes discloses time information with respect to the Zachman framework (**see Figs 14A-14C and respective portions of specs**).

Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behfar et al (WO 00/77620 A2) in view of Trebes, Jr. (US pat. 6317438) and further in view of Marten

Art Unit: 2664

el al (WO 01/19038). Behfar discloses a system for integrating components into a vehicle, wherein the components comprise devices (29-37) coupled to an in-car network (**fig 2**).

Trebes discloses an **active network** within a telecommunications environment that consists of non-participating elements and participating elements or (active elements) (**abstract; fig 1; col 5 L29-40, col 9 L 1-19**).

Behfar and Trebes fail to disclose the use of a single node as “root node” element within a network, which is used for routing of information.

Marten discloses the use of plurality of nodes interconnected with plurality of routing tables corresponding to each node within the system (**figs 1 & 2 and abstract**). Marten’s system provides an enhanced version of a single node network (“root node”) element network for routing of information. In Marten’s system in the event that any node should fail, alternate routing can be accomplished via other nodes as they have routing (table) information within each location. In an alternative embodiment of a similar invention one may choose to have a single node act as the prime routing source without burdening other nodes and therefore requiring less resources.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the teachings of Marten within Behfar so as to allow routing of information from one primary node acting as the root node to all other destined nodes and therefore allowing for reduced usage of network resources.

### ***Conclusion***


Art Unit: 2664

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 703-305-5652. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

RJ  
February 12, 2004



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